

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

THE TRIPLE-I CORPORATION,

*Plaintiff,*

vs.

HUDSON ASSOCIATES CONSULTING,  
INC., ET AL.,

*Defendant.*

CONSOLIDATED CASES

Case No. 06-2195- EFM

Case No. 06-2381- EFM

Case No. 06-2461- EFM

**MEMORANDUM AND ORDER**

Before the Court is Defendant's Motion to Strike Triple I's Memorandum in Opposition to Defendant's Motion to Exclude all Evidence from Triple-I Corporation's Disclosed Expert (Doc. 318.) For the following reasons, the court DENIES the motion.

Defendant argues that Plaintiff filed its memorandum in opposition out of time because its response was due on October 17, 2008. Plaintiff's response, however, was not due on October 17, 2008. On October 3, 2008, Defendant filed a motion for leave to file its memorandum in support of its motion to exclude evidence under seal. Although fourteen days from October 3rd is October 17th, the Court had not ruled on Defendant's motion to file its memorandum in support under seal. In fact, the Court did not rule on that motion until today. (Doc. 370.)

The memorandum in support is not deemed to be filed until the Court makes a ruling on whether the document can be filed under seal. As the Court just ruled on that motion and denied

Defendant's request to file its memorandum in support under seal, Defendant is now required to file that document. Indeed, the Court just ordered Defendant to file forthwith its memorandum in support. Accordingly, Plaintiff's response is due fourteen days from Defendant's filing of the memorandum.

**IT IS ACCORDINGLY ORDERED** this 27<sup>th</sup> day of February, 2009 that Defendant's Motion to Strike Triple I Corporation's Memorandum in Opposition (Doc. 318) is hereby DENIED.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to File its Memorandum in Opposition as of October 20 is DENIED as moot.

**IT IS SO ORDERED.**

/s Eric F. Melgren  
ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE